

**REMARKS**

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

**Status of Claims:**

No claims are currently being canceled or added.

Claims 1, 3, 7, 9, 28, 29, 39, 40 and 45 is currently being amended.

This amendment and reply amends claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claims remain under examination in the application, is presented, with an appropriate defined status identifier.

After adding the claims as set forth above, claims 1-4, 7-10, 28, 29 and 35-45 are now pending in this application.

**Claim Rejections – Prior Art:**

In the Office Action, claims 1-4, 7-10, 28, 29, 35-38 and 41-43 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,157,645 to Shobatake in view of U.S. Patent No. 5,935,217 to Sakai; claims 39 and 40 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Shobatake in view of U.S. Patent No. 6,175,860 to Gaucher; and claims 44 and 45 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Shobatake in view of Sakai and further in view of U.S. Patent No. 5,579,523 to Tanaka. These rejections are traversed for at least the reasons given below.

In Shobatake, the user is the entity making the sole determination as to a communication partner of a video apparatus, based on information provided to an information switcher and displayed on a display for selection by the user. The Office Action recognizes this, and turns to Figure 21, column 11, lines 34-50 and column 12, lines 52-62 of Sakai for allegedly teaching a resource provisioning system that provides a user with the option of automatic selection of input and output devices, negating the need for manual selection of each individual device, instead selecting the optimal devices on the basis of collected status information.

While Sakai does describe an automatic selection of input and output devices, this automatic selection is not done by one of the video apparatuses, but rather by a host computer 11 that does not correspond to any of the input and output devices. Still further, since a user

must select an "automatic" mode, the selection of the input and output devices by the host computer 11 is done based on an input by the user, with that input being the selection of an automatic mode as opposed to a manual mode.

In more detail, in one embodiment of Sakai, one of a plurality of input devices is selected as an input device to be used automatically. However, there is no designation of contents to be input by the selected input device in this embodiment of Sakai. Rather, in Sakai, the selected input device is determined regardless of the contents to be input by the selected input device. Automatic selection is performed in the system of Sakai based on information on only the devices themselves, and the automatic selection does not take any contents to be input by a selected input device into consideration.

On the other hand, the presently claimed invention takes the contents, i.e., program, into consideration. That is, if the contents to be displayed are selected, then a storing apparatus in which the contents is stored or a receiving apparatus which can receive the contents is selected on the basis of "state information" relating to at least "stored programs" in the storing apparatus or on the basis of "state information" relating to "function."

Accordingly, the presently claimed invention is much different from the teachings of Sakai.

Furthermore, as recited in presently pending claims 28 and 29, a storing apparatus is selected taking free storing capacity of each storing apparatus into consideration (see page 13, lines 4-21 of the specification). Such a feature is also not taught or suggested by Sakai.

Accordingly, claims 1-4, 7-10, 28, 29, 35-38 and 41-43 are patentably distinct over the combined teachings of Shobotake and Sakai.

Regarding claims 35 and 37, whereby Applicant traversed the Official Notice made in the previous Office Action, and whereby the current Office Action provides the Johnson reference (U.S. Patent No. 4,887,204) to allegedly provide support for the Official Notice assertion made in the previous Office Action, Applicant submits that Johnson merely teaches a distributed services system that allows access to files located anywhere in a network, whereby this falls well short of the Official Notice assertions made in the previous and the current Office Actions.

In particular, it is not notoriously well known in the art for a network component to automatically select a communication partner based on information concerning currently available resources for each of the other components on the network. Rather, a control device performs such selections in conventional networks, whereby that control device is separate from any of the network components that are being made communication partners with each other.

Johnson's teachings of a distributed network for allowing access to files located anywhere in a network does not provide support for the Official Notice assertions made in the Office Action. Rather, it describes the use of a 'stateful server' that maintains information from various nodes of a network (see column 5, lines 5-20 of Johnson), which falls well short of the Official Notice assertions made in the previous and the current Office Action.

Accordingly, claims 35 and 37 are patentable for these additional reasons.

With respect to claims 39 and 40 (which have been amended to become dependent claims) which were rejected over the combination of Shobotake and Gaucher, the Office Action asserts that Gaucher does indeed describe an automatic sending of state information from a device newly connected on a network. Applicant respectfully disagrees.

Rather, column 5, line 64 to column 6, line 4 of Gaucher merely states that a newly-connected device transmits its registration identifier to a master computer 12. Once this is done, the master computer 12 can then query the newly-connected device to send its state information, which is clearly totally different from the automatic sending of information concerning the functions or application program interfaces, the service-availability and the stored programs of the newly-connected device. Again, the sending of such state information by a newly-connected device is done after being prompted by the master computer, after the newly-connected device has automatically sent its registration ID to the master computer.

Accordingly, claims 39 and 40 are patentable over the combined teachings of Shobotake and Gaucher, for these additional reasons.

With respect to the rejection of claim 45 of the combination of Shobotake, Sakai and Tanaka, while Tanaka describes the use of lock and unlock flags to either lock or unlock a device as a slave to another device, there is not description in Tanaka of the master device sending information to other devices as to whether it is in a locked state or not. Rather, it appears that the locked devices in the system of Tanaka ignore any signals sent to them by

devices other than the device that the locked devices are slaved to. See, in particular, column 6, lines 32-33 of Tanaka.

Accordingly, claim 45 is patentable over the cited art of record, whereby claim 45 has been amended in order to more clearly distinguish over the disclosure of Tanaka.

**Conclusion:**

Since all of the issues raised in the Office Action have been addressed in this Amendment and Reply, Applicant believes that the present application is now in condition for allowance, and an early indication of allowance is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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